App. F. IX-4

37-28

192 .

File No. 1-9

Previous References ( )

Serial Nos. 1-9

Later References
Law 106-31-11-14.

General and Revenue Secretariat.

Serial Nos. 9

Part B for Feby 1929

SUBJECT

Mil- Assist Dr Coleman C.S. 7639 28-2
174 Bk Barcelona

9

To the O.D. Barcelona
ref h 3539 11.2.29
The Secretary Revenue Dept
Inter Colonial

Mr Gipps 13.2.29

DEPARTMENT OF AGRICULTURE, MYSORE STATE.

D.O. No. Roc.844-Hc.312/28-29. E 5 paper.

Telegraphic Address,
"AGRI., BANGALORE."
Code: 5TH EDITION A.B.C.

DR. LESLIE C. COLEMAN, M.A., PH.D.,
Director.

Refer - above, please
loan 37 - 4 1028
MP 11/10

OFFICE OF THE DIRECTOR

Bangalore, October 3, 192[illegible]

REV. SECRETARIAT
2886
4 OCT. 1928
DEVELOPMENT BRANCH

Dear Mr. Rama Rao,

Please refer to my letter No.Roc.245 of 28-29 of the 27-7-[illegible]. I enclose herewith papers including a summons to appear as a Defend[illegible] in a case connected with the defunct Sugar Company. I take it that as I was appointed to the post of Director in the Company by Govern[illegible] ment, this matter is a concern of Government's, not of mine. I am proceeding on tour tomorrow morning for inspection work which [illegible] urgent and shall not be back till the evening of the 11th Instant request you kindly to take the necessary action in the [illegible]

Yours sincer[illegible],

Leslie Coleman

N. Rama Rao, Esq., B.A.,B.L.,
Secretary to the Government of Mysore,
Development Departments, Bangalore.

Ex

(1) The main file is placed below. It contains a notice, to Dr Coleman, in a similar case, by one M S Krishnarao Edita Sahyavaar for sums due to him from the defunct Sugar Company.

(2) As in this case, Rev G Wesley has filed a suit, summons may be issued to the Govt Advocate to defend Dr Coleman.

L L may be consulted.

Sec M

MP 4/10/28.

K. with remarks

MP 4/10

Suit against Dr. Coleman 160328
O.S. 763 of 28 I Ch,
Bangalore

App. F. III

General and Revenue Secretariat. | Law File No. 37 of 1928.

Serial No.

(1) Under the rules for the Conduct of Legal affairs of Government, it is the P.Pr that is ex-officio Govt pleader entitled to Conduct Suits on behalf of Govt. As such the P.Pr, Bangalore may be requested to appear on behalf of Dr Coleman & take time for filing the written statement.

Draft put up for approval.

MNP
5-10-28

10 appd
sd
7
Gram
Dy 5/10

(6) The original Summons has to be signed by Dr Coleman & returned to the First Munsiff Bangalore. Draft to Dr. Coleman put up for approval.

MNP
6.10.28

Gram
Dy
6/10

3 To The Dr of Land C Hqrs
No P2109 dt 6-10-28

States that the P.Pr Bangalore has been requested to appear on your behalf and take an adjournment for filing the written statement and requests that the Summons may be sent duly signed

NOTE—Contn. Sheet.

WD 01714—G2[illegible]—20,000—18-4-28

Q.P. 763 of 28. 26 1st Ct Dlore
Suit against Dr Coleman & Co

App. F. III—2]

General and Revenue Secretariat. | Law File No. 37 of 1928.

Serial No.

(7) This may be sent to the Development Branch for perusal and return.
DOP — To the Dev't Br
8/10/28

REV. SECRETARIAT. 10 OCT. 1928 DEVELOPMENT BRANCH.

Seen to Ref of 3/10 & returned.

Submitted for perusal.
CPR 11/10.

(8) Seen & returned with thanks.
Prom Pr with compts
WD 11/10.

Law 11/10

Sus DOP 11/10/28.

Letter No. 237/28. 19 28-11-28
from P.Pr, forwarding a draft on behalf of Dr Coleman -

(9) The P.Pr says he has no valid defence to the suit - Copy of the opinion of K.R. given in J.S. File 4 of 28, shows that Dr Coleman & Mr Shire cannot be held personally liable under sec 107 of the Companies Reg^n since they resigned their office of Director before the cause of action arose - If agreed, a copy of this file will be sent to P.Pr & he requested to draft the statement accordingly -

DOP 30/11/28

To S.L. 3/12

Law 3/12

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

General and Revenue Secretariat

Law File No 37 of 1928

Serial No.

Draft to PPr Bangalore

To PPr Blore P3074 dated 7/1/28

(1) In the statement for the quarter ending 31st Dec 28, it is stated that the case is posted to 7-1-29 for W.S of Dr Coleman: the PPr was asked to prepare a W.S as per the opinion of the L.R., copy of which was sent to him, & also to amend if necessary the W.S on behalf of Mr. Shore - Draft of a letter to PPr asking him to send copies of the W.S, ~~prepared by him~~, put up for approval

(L.R.)

17/1

(1) To what date has the case been posted? What is the cause of the delay?

P.M. 22/1.

To, The PPr. Bangalore.

P3837 dated 23.1.29

Enquiring whether a W.S. has been prepd & if to forward a copy of the same for approval -

It is not known to what further date the case has been posted on 7-1-29. The copy of the plaint which was received with the summons has been

ISSUE & RESUBMIT.

2997/3357

Serial No.

sent to the PPr while desiring him to appear on behalf of Dr Coleman. While the PPr sends the W.S for approval of L.R, he is expected to send the copy of the plaint as well as the connected records the same may therefore be awaited

DMP 23.1.29 AMM 24/1

L.R.) 24/1

13) I am afraid we may write and it as all. Shall write to him & send it + also enquire the date of P. 24/1

Law 25/1

14) Draft put up DMP 25.1.29 AMM 25/1

15) Seen 25/1

6 To the PPr, Bangalore P 3990/Law 29.1.29. requesting him to send copy of plaint and enquiring the date of hg.

Subs A. DMP 29.1.29

7 From PPr, ~~Bangalore~~ W 362/28.1.29 dated 28.1.29 stating that he would send the W.S. as soon as order on his appln for permission to amend is passed.

16) Heard from the PPr today that permission to amend the statement filed on behalf of Mr. Bhore is granted + that he would send the W. statements with the connected records soon — the same may be awaited —

DMP 30/1/29

NOTE — Contn. sheet

WD 001—GPR—30,000—21.8.28

General and Revenue Secretariat

Law File No. 37

Ann F III

of 1928

Serial No.

1 Letter no 365/28-29 dated 31-1-1929 from the PPr Bangalore forwarding Draft written statements to be filed on behalf of Dr Coleman & Mr. John Blore. on 16-2-29 -

17) Copy of plaint is flagged H. This is a suit by Rev: Wesley, an applicant for shares in the Mysore Sugar Works Co: Ltd, for return of the money deposited by him with his application. The Co: did not go into allotment & the plaintiff prays for a decree against the Directors of the Co: personally - Dr Coleman & Mr. Blore were two of such Directors nominated by Govt. But they resigned their office on 15th & 10th Jan 1925 respectively - The defence is that since they were not in office at the time the Cause of action arose under Sec 10 of the Co's reg^n, they are not personally liable, but that the plff can have a decree only against the assets of the Company - The opinion of the previous A.R is flagged E.

18) Under Section of the Company's Reg^n, the Directors can escape liability also by proving that the loss of the money was not due to any misconduct or negligence on their part - It is for consideration whether this may also not be a ground of defence in the written statements.

DPP 4.2.29

19) No draft Written Statements are appended as required. A plea may be raised on behalf of both the defts that the plaint does not disclose a known

NOTE—Contn. sheet

General and Revenue Secretariat | File No. | App F. [illegible] of 192

Serial No.

cause of action under s. 60 of the Co's Regn, since the defts had already resigned & severed his connection

Laws 7/2

Draft to Pts with a revised draft written statement for approval.

DRM 7.2.79.

9 Do the Public Prosecutor P4353 dated 11.2.79 forwarding Vendor's revised draft written statement

B

DRM 12.2.79

NOTE—Contn. sheet

Immediate

WD 1086—GPB—5000—16-1

No. 1595
2 s/ Summons
2 s/ Plaint

MYSORE PUBLIC WORKS DEPARTMEN
CENTRAL OFFICE,

Dated Bangalore, 22/8/ *19*

FROM

JOHN BHORE, ESQ., A.M.I.C.E., Etc.,
Chief Engineer of Mysore,
Bangalore.

To

Secy. Law Dept. with comp

M. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

23/8

SIR

8d 24.8

I have the honor to invite kind reference to correspondence ending with G.O.No. 1.C.4528-31/1 & C. 55-24-5 dated the 6th January 1925, in connection with the Sugar Factory proposed to be started at Sulekere in the Chennagiri Taluk and to inform you that as directed in the last paragraph of the order, I resigned my Membership as a Government Director of the concern on the 10th idem and intimated the same to Messrs: Battersby & Co.,

2. I have now received a summons from the First Munsiff, Bangalore, with a copy of plaint in O.S.No. 763 of 25-26 filed by Rev. G.Wesley, for the return of the application money Rs 500/- on one hundred shares applied for by him together with interest Rs 79/-, etc. The summons and the plaint are both forwarded herewith for information. The case stands posted to 6th September 1927 and I am asked to answer the suit.

3. I request you will be so good as to inform me as to the action to be taken in the matter at an early date.

I have the honour
Sir,
Your most obedient servant,

22.8.27

CHIEF ENGINEER OF MYSORE.

Adm. Secy—
"Write alone to P. Pr 6"
See Secy on Monday
"B.N."
3.9.27

Draft of P. Pr 6
Noted
3.9.27.

Issued as P/13-27/Exc 2 d 3/9/27

2

APP. F. VI. (1.)

SUBJECT.....

.....

.....

Section Law

File No.

Seria No.

No. P 1327/Secs two

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To The P.P.

Bangalore.

Date of issue 3/9/27

Signed by. for J. Dingavarada Reddy

Sir,

I have the honour to forward herewith Summons and Copy of plaint in O.S. 763 of 1925-26 on the file of the 1st Munsiff Bangalore sent by the Chief Engineer Mysore, and to request you to see the Legal Remembrancer & Secretary to Govt. Law Dept in this connection on Monday 5th inst. An adjournment may have to be taken on the 6th instant.

List of enclosures.....

Copied by.....

Examined by.....

I have etc

3/9/27

Legal Remembrancer

over

& Secretary to Govt.

Law Dept.

WD 0866—GPB—31,000—17-8-25

Civil

Form No. 105

DEPARTMENT OF AGRICULTURE
DIRECTOR'S OFFICE,
BANGALORE.
3 OCT. 1928
No.

From The First Munsiff Bangalore 1/10/1928

To The Director of Agriculture in the Mysore Bangalore

Sir,

I have the honor to forward herewith Depositions

Summons, in duplicate in OS 763/1925-26 No.

of 192 . in the file of this Court and to request that you will be so good as to cause the duplicate to be served on the individual therein named and the original returned to this Court with due endorsement of service thereon, on or before the date of hearing. 9-10-1928

A sum of Rs. Nil is herewith sent, being

witness batta

I have the honor to be,

Sir,

Your most obedient servant.

First Mun

WD 01884--GPB—10,000—12-6-28

Mysh. Dgl

9.10.28

Summons for disposal of suit (O. 5, rr. 1, 5) Form No. 1, Civil.

To the First Munsiff, Bangalore

IN THE COURT OF AT

O.S. 763 25-28

SUIT NO. OF 19 —19 .

Rev G. Mosley

Doctor L. C. Coleman
Director of Agriculture
Bangalore

The defendant

Plaintiff Defendant.

To Mr. Parkes Coleman c/o the Manager Agri

WHEREAS has instituted a suit against you for

you are hereby summoned to appear in this Court in person or by a pleader duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions, on the day of 192 , at o'clock in the noon, to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court, this day of 192

Judge

Notice.—1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and the production of any document that you have a right to call upon the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property or both.

WD 0282—GPB—14,555—25-6-27

A. P.-F. VI. G1]

SUBJECT.....

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Section Loans

File No. 37-26

Serial No. 2

Diary No. of letter replied to.....

No. 2075(1)

General and Revenue Secretariat

( )

the *192*

To The Public Prosecutor ~~Mysore~~ Bangalore

Date of issue 5/10/26

Signed by M N S

Sir,

I am directed to request you to appear for the Director of Agriculture in Mysore who is a defendant in O.S. 763 of 25-26 on the file of the I Munsiff of Bangalore, a suit filed by Rev G. Wesley, ~~for recovery~~ against the Mysore Sugare Works and estates Ltd of which the Director of

List of enclosures.....

Copied by .....

Examined by .....

over

WDO 125—GPB—80,000—26-5-27

agriculture was one of the
directors nominated by
Government. The case is
posted to 9th October 1928
and You are requested
to take ~~time~~ an adjournment
for filing the written statement,
which you may kindly prepare
after obtaining the necessary instructions
from Dr. Coleman, Director of agriculture,
and submit the same to me
for approval. One copy of the plaint is herewith sent.

I have ~~to~~

Sd
Legal Remembrancer

MP
5/10/28

APP. F. VI. Gl.]

SUBJECT.....

.....

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Section Law

File No. 37-28

Serial No 3

Diary No. of letter replied to.....

No. G 2609 (1)

To Dr. Leslie C. Coleman M.A., Ph.D
.....Director of Agriculture in
Mysore, Bangalore.

General and Revenue Secretariat
( )
the *192*

Date of issue 6/10/28

Signed by .....

Sir,

With reference to your D.O. No. Roc 844-Ac. 312/28-29 dated 3rd October 1928 to the ~~Development~~ Secretary to Government, Development departments, ~~Law directed to inform you that~~ regarding the suit filed in the First Munsiff's Court Bangalore, by Rev G. Wesley for recovery of the amounts paid with applications for shares in the Mysore Sugar Works and Estates Ltd.

List of enclosures.....

Copied by.....

Examined by.....

over

WD 01265—GPB—31,000—24-12-25

I am directed to inform you that the Public Prosecutor, Bangalore has been requested to appear on your behalf and take an adjournment for filing the written statement

The original summons received with your letter is herewith ~~returned~~ sent to you for signature and return direct to the First Munsiff, Bangalore, so as to reach him on or before the 4th October 11

I have etc

for Secy to Govt

Law Dept

MP
6/10/28

To. 239/28-4
encl 1 file.

2297/28 P

Bangalore
28-11-1928
28.11.28

From

The public prosecutor,
Bangalore

Law 37-28-4.

Law 37-28-

To

The Legal Remembrancer
and Secretary to Government
Law Department
Bangalore

Sir,

I have the honor to send herewith the draft written statement in OS 763 25/26 on the file of the First Munsiff's court for your approval and return. The file is sent herewith. In this connection I would like to bring to your kind notice the following facts.

8/12/28

The written statement of Mr. John Bhore was already filed in court before I took charge. Mr. John Bhore and Mr. Coleman being the co-directors on behalf of the Government it seems to me that we cannot adopt any other line of defence unless we file an amended written statement. From the facts on record I cannot conceive a valid defence either in law or in fact to the claim of the plaintiff. I seek instructions in the matter. The case is posted to 12/12/28 for filing written statement in court.

I have the honor to be,
Sir,
Your most obedient Servant,

B. N. V. Deva
Public prosecutor,
Bangalore

In the Court of the First Munsiff, Bangalore

OS. 763 of 1925-1926.

plaintiff		Defendants
Rev. Wesly	vs.	The Mysore Sugar Works and Estates, Ltd.

Under order VIII Rule 1 of the C.P.C. Mr. Coleman one of the defendants in the above case begs to file the following written Statement.

1. Mr. Wilberforce representing Messrs Batterobry and Co applied to the Government for Concession in the grant of land to a Sugar Company to be floated under the name of the Mysore Sugar Works and Estate, Ltd. After agreeing to grant 2000 acres of land to the said Company, Government appointed this defendant in his capacity as Director Agriculture and the Chief Engineer Mr. John Bhore as their nominees on the directorate with a view to safe guard their own interest.

2. Soon after Government found out that certain facts of interest of two directors (a) Mr. Wilberforce (b) Mahamadali Moosaji, in the sugar Mills at Gowribidanur proposed to be sold to the above defendant were deliberately omitted in the prospectus issued on behalf of the Company in violation

of the requirements of the Mysore Companies Regulation, which omission was fatal to the successful floating of the Company, the Mysore Government in their order dated 6th January 1925 cancelled the grant of the land and directed the withdrawal of this defendant and also the Chief Engineer from the directorate which this defendant promptly did by a letter of resignation to Messrs Ballard + Co.

3. This defendant further submits that Government were also instrumental in warning the public ~~which~~ in time by an order which was published as a press Communique and this defendant, during the short period, he acted as director took sufficient precautions to safe guard the interests of the subscribers to the Company and there has been no negligence or misconduct on the part of this defendant.

4. The management of the business of the Company including the papers relating thereto have been in the hands of Mr. Wilberforce, the managing director, who by his affidavit admitting the said amount is alone liable

to reimburse the amount to the plaintiff. This defendant who was on the directorate only in his capacity as Director of Agriculture had nothing to do with the management and is not therefore liable to pay the suit amount

5. The suit against this defendant is also bad for want of notice required by law as he was a director only in his officiae Capacity.

Therefore this defendant prays that the suit against

with costs.

Bangalore }

I, the above named defendant do declare that what is stated above is true to the best of my knowledge, belief and information

Bangalore }

Appendix F G—1

SUBJECT.....

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Section Law

File No. 37-28

Serial No. 5

Diary No. of letter replied to.....

No. 3074 Emergent file record

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Bangalore.

Date of issue 7/12/28

Signed by .....

Sir,

With reference to your letter No. 239 of 28.29 dated 28.11.28 regarding forwarding a draft written statement on behalf of Dr Coleman in O.S. 763 of 28.26 on the file of the First Munsiff, Bangalore, I have the honour to forward herewith a copy of the opinion given by me in connection with a notice of suit sent by Mr M.S. Krishnadas to Dr Coleman one of the applicants

st of enclosures.....

Copied by.....

Examined by.....

over

WD 0399—GPB—20,000—18-9-28

for shares in the Mysore Sugar Works etc.

You can draft the written stat incorporating therein the defence that both Dr Coleman & Mr Bhore are not personally liable under Sec 101 of the Companies Regulation since they had resigned their office of Director before the Cause of action arose - If necessary, the written statement filed on behalf of Mr. Bhore may also be suitably amended The file of papers sent with your letter under reply are herewith returned.

Thanks

Legal Remembrancer

MMP
6/12

Appendix F G—1

SUBJECT.....

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ISSUE & RESUBMIT.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 23/4/29

Signed by .....

List of enclosures.....

Copied by 23/4/29

Examined by.....

Section Land

File No. 37-28

Serial No.

No. P 3837

To

The Public Prosecutor
Bangalore.

Sir,

I am directed to invite your attention to this office letter No: P 3074/Land 37-28-5 dated 7-12-28 regarding O.S. 763 of 25-26 (Rev: Wesley v Dr Coleman & others) and to request you to report whether the written statement on behalf of Dr Coleman has been prepared by you and if so to send the same as usual to this

over

WD 0399—GPB—20,000—18-9-28

Office for approval. If the
Statement ~~◯◯~~ on behalf of
Mr Shore ~~is~~ has been amended, a copy of the
same. ~~matter~~ may also be ~~forwarded~~ forwarded.

I have etc

for Secy to Govt.

Dairy Dept

17.1.29

17/1

P. F. VI. G[illegible]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 29/1/29

Signed by M V R S

List of enclosures.....

Copied by [illegible]

Examined by .....

Section Legal

File No. 37-26

Serial No. 6

No. P 3990

To The Public Prosecutor
Bangalore

Sir,

In continuation of this office no: P 3837/Gen dated 23rd Jan 1929, I am desired to request you to send the copy of the plaint in O.S. 763 of 25-26 (Rev: Wesley v Dr Coleman & others) along with the written statements. The further date to which the hearing of the case is posted, may also be intimated.

Thaveek

for Secy to Govt

over

WD0328—GPB—80,000-

25-1-29

. 362/28-9

3357/ Bangalore
pte 22-1-1929

om

The public prosecutor,
Bangalore

The Registrar (Reforms) and Secretary to Government,
Law Department,
Bangalore

Re: OS 763/28-26. Rev. Wesley

In reply to your letter no. P 3837 of the 23rd instant I beg to state as follows:-

A fresh written statement of Dr. Coleman has not been prepared on the lines suggested by you. An application has been filed in court to amend the written statement of Mr. John Brone already filed in court and it is posted for objections of the plaintiff and other defendants about the application to 29th instant. After amendment is allowed I will prepare the written statements of Messrs. Brone & Coleman and send the same to you for approval

P.T.O

I have the honor to be
Sir,
your most obedient servt

K. M. V. Deva

public prosecutor,
Bangalore

Bangalore
31-1-1929

365/28-29
encl 1 file of records.

From

The Public Prosecutor,
Bangalore.

To

The Legal Remembrancer
and Secretary to Government,
Law Department, Bangalore

Sir,

Re: OS 763/25-26 plaintiff Rev. Wesley

I have the honor to send herewith the draft written statements of Messrs. Dr. Coleman and John Bhore for your approval. The application filed in court to amend the written statement of Mr. John Bhore is allowed. The case is posted to 14/2/1929 for filing written statements in court the file available in this Office is sent herewith

Mrs D Rao
to bring up
31/1

I have the honour to be,
Sir,
your most obedient servant

B N V Dhara
Public Prosecutor,
Bangalore.

In the court of the First Munsiff at Bangalore

OS 763/28-29

Plaintiff	Defendants
Rev. Wesly	Mr. Wilberforce and others

Order VIII rule 1 C.P.C.

Written statement of Mr. Coleman.

1. The allegations in para 1 to 3 are true

2. This defendant is not aware of the truth of the allegations in para 4 and puts the plaintiff to proof of the same. Even if true the present defendant cannot be held to be responsible to it.

3. This defendant is not aware of the truth of the allegations in para 5 and 6 and puts the plaintiff to proof of the same.

4. This defendant submits that since he had been nominated as Director by Government on account of his being the Director of Agriculture he retired from the Directorate by virtue of Government orders on 15/1/1928

5. The Company not having gone to allotment, as admitted in para 7 of the plaint, plaintiff has a cause of action, if at all, against the Directors continuing on 15/7/1928 . There is no Cause of action

"They" is not aware of the allegations in paras 4, 5, 6 of the plaint & puts the plff to proof of the same — Even if true, the defendant cannot incur any personal liability to the plff.

against this defendant

7. This defendant is not personally liable under the circumstances set forth above. ~~only~~ only the assets of the Company are liable

8. This defendant does not admit the truth of the allegations in the plaint except those which are explicitly admitted herein.

9. This defendant therefore prays that the suit against him may be dismissed with costs.

I, the above named defendant do declare what is stated above is true to the best of my knowledge, belief and information

In the court of the ~~the~~ First Munsiff.
Bangalore

O. 763/25-26

Plaintiff		Defendant
Rev. Wesly	vs.	Mr. Wilberforce and others

Order VIII r 1 e.p.c.

written statement of Mr. John Rhone.

1. This court was pleased to allow an amended written statement to be filed. This statement may be considered as part of the statement already filed.

2. This defendant retired from the Directorate by virtue of Government orders on 10-1-1925. ~~The Company as stated~~ Consequently he incurs no liability under Sec 104 of the Companies Act ~~in the plaint did not go to allotment~~ ~~at all~~.

3. The cause of action as ~~admitted in the~~ stated in para 9 of plaint is incorrect. It can have arisen only after 15-2-1925 when this defendant was no longer a Director.

4. Under these circumstances plaintiff has no Cause of action against this defendant. He is not personally liable. plaintiff if at all has a cause of action against the Directors ~~who~~ who were on the Directorate on and after 15-2-1925. Only the assets of the Company are liable

5. This defendant therefore prays that the suit against him may be dismissed with costs.

3. N. K. D.

I, the abovenamed defendant do declare what is stated above is true to the best of my knowledge, belief and information.

366/18-19

From

The public prosecutor,
Bangalore

3433 for P Bangalore
7-2-1919

To

The Legal Remembrancer
and Secretary to Government,
Law department, Bangalore

Sir,

In reply to your letter no. P 3990/Law dated 29th January 1919 I have the honour to inform you that the written statements of Mr. John Bhore and Dr Coleman and the file available in this office along with the plaint were sent to your office with this office No. 365/18-19 dated 31/1/1919.

I have the honor to be,
Sir,
your most obedient Servant,

Public prosecutor,
Bangalore

Appendix F 6--1

SUBJECT.....

.....

.....

Section Law

File No. 37-28

Serial No. 9 Encl.

No. 4353 Court Record

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Public Prosecutor

Bangalore

Date of issue 11/2/29

Signed by .....

Sir,

With reference to your letter No: 362/28-9 dated 28-1-29 forwarding the draft written statements to be filed in O.S. 763 of 25-26 on the file of the I Munsiff of Bangalore, I have the honour to send herewith a revised draft for being filed into Court on behalf of Dr Coleman & Mr Bhore. The words

List of enclosures.....

Copied by.....

Examined by.....

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sent with your letter are
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In the Court of the I Munsiff at Bangalore

O.S. 763 of 25-26

Plaintiff	Defendant
Rev: Wesley	Dr Coleman.

Under order 8 rule 1 C.P.C., the defendant files the following written Statement:

1) This defendant is not aware of the allegations ~~of~~ in paras 4, 5 and 6 of the plaint and puts the plaintiff to proof of the same. He however submits that even if true, he does not incur thereby any personal liability to the plaintiff

2) This defendant resigned from the Directorate on 15th Jan 1925 by virtue of Court orders. Consequently he incurs no liability under Sec 101 of the Companies Regulation

3) The cause of action ~~is~~ as stated in para 9 of the plaint is incorrect.

4) The plaint does not disclose a

proper cause of action under rule 101 of the Companies Regulation, since the defendant had before the expiry of 120 days of the issue of the first prospectus, resigned & severed his connection with the Company

4) Wherefore he prays that the suit against him be dismissed with costs.

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In the case of the W.S on behalf of Mr. Obure, put 10th Jan 1925 instead of 15th Jan 1925 in para 2 above

In the Court of the I Munsiff at Bangalore.

O.S. 763 of 25-26.

Plaintiff	Defendant
Rev. Wesley.	Dr. Coleman.

Under order 8 rule 1 C.P.C. the defendant files the following written statement :

(1) This defendant is not aware or the allegations in paras 4,5 and 6 of the plaint and puts the plaintiff to proof of the same. He however submits that even if true, he does not incur thereby any personal liability to the plaintiff.

(2) This defendant retired from the Directorate on 15th January 1925 by virtue of Government Orders - Consequently he incurs no liability under Section 101 of the Companies Regulation.

(3) The cause of action as stated in para 9 of the plaint is incorrect.

(4) The plaint does not disclose a proper cause of action under Section 101 of the Companies Regulation, since the defendant had before the expiry of 120 days of the issue of the first prospectus, resigned and severed his connection with the Company.

Wherefore he prays that the suit as against hi- be dismissed with costs.

In the case of the written statement on behalf of Mr. Bhore, put 10th January 1925 instead of 15th January 1925 in para 2 above.